

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff, :

v.

Criminal Action No. 05-96

JIMMIE L. LARK,

Defendant. :

REDACTED

INDICTMENT

The Grand Jury for the District of Delaware charges that:

Introduction

1. At all times relevant to this Indictment, Wachovia Bank, Wilmington Trust Company, WSFS Bank, and Citizens Bank were federally insured financial institutions, the deposits of which were insured by the Federal Deposit Insurance Corporation or FDIC.

Scheme to Defraud

2. Beginning in or around July, 2004, and continuing at least until in or around June, 2005, "M", an unindicted co-conspirator, supplied Jimmie L. Lark, the defendant, with counterfeit checks. "M" paid the defendant to negotiate the checks at various banks in and around Delaware.

3. The face of each counterfeit check showed that it was issued by a company, the payor, and made payable to an individual, the payee. So that the defendant could negotiate the checks, "M" supplied the defendant with identification, specifically driver's licenses, bearing the names of the payees on the checks.

After receiving each counterfeit check and identification, Jimmie L. Lark, the

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defendant, went to branches of Wachovia Bank, Wilmington Trust Company, WSFS Bank, and Citizens Bank, showed fraudulent identification, and cashed, or attempted to cash, each check.

COUNT ONE

5. From on or about July 16, 2004, through on or about June 27, 2005, in the District of Delaware, Jimmie L. Lark, defendant herein, and "M", an unindicted co-conspirator known to the grand jury, did knowingly conspire with each other to execute and attempt to execute a scheme and artifice to defraud Wachovia Bank, Wilmington Trust Company, WSFS Bank, and Citizens Bank , federally insured financial institutions, as described more fully in paragraphs 1 through 4 above, incorporated herein by reference, in violation of 18 U.S.C. § 1344, and in execution of the fraud and in furtherance of the conspiracy, the defendant committed the following overt acts:

- a. On or about July 16, 2004, the defendant, using his own name, went to a Wachovia Bank branch and cashed a counterfeit check in the amount of \$2,503.76 drawn on the account of "Vitel Communications, LLC";
- b. On or about July 26, 2004, the defendant, using identification in the name "Rolland R. Thompson", went to a Wilmington Trust Company branch and cashed a counterfeit check in the amount of \$1652.21 drawn on the account of "Steel Suppliers Erectors, Inc.";
- c. On or about August 23, 2004, the defendant, using identification in the name "James Knight" [sic], went to a Wilmington Trust Company branch and cashed a counterfeit check in the amount of \$1631.76 drawn on the account of "Dietz Enterprises Inc";
- d. On or about August 26, 2004, the defendant, using identification in the name "Richard Gownes", went to a Wilmington Trust Company branch and cashed a counterfeit check

in the amount of \$1609.33 drawn on the account of the "University and Whist Club of Wilmington";

e. On or about September 10, 2004, the defendant, using identification in the name "Howard Sims", went to a Wilmington Trust Company branch and cashed a counterfeit check in the amount of \$1708.11 drawn on the account of "Providence Creek Services, LLC";

f. On or about September 13, 2004, the defendant, using identification in the name "Lewis Miller", went to a WSFS Bank branch and attempted to cash a counterfeit check in the amount of \$1652.11 drawn on the account of "Delware [sic] Occupational Health Resources, LLC." The defendant fled the bank before the transaction was completed;

g. On or about September 24, 2004, the defendant, using identification in the name "Terry Highsmith", went to a Wachovia Bank branch and cashed a counterfeit check in the amount of \$2,547.11 drawn on the account of "Pharmaceutical Infrmtn Asc Ltd." [sic];

h. On or about September 24, 2004, the defendant, using identification in the name "Keith C. Taddei", went to a Wachovia Bank branch and cashed a counterfeit check in the amount of \$2,547.11 drawn on the account of "Pharmaceutical Infrmtn Asc Ltd." [sic];

i. On or about October 14, 2004, the defendant, using identification in the name "Joel Price", went to a Wachovia Bank branch and cashed a counterfeit check in the amount of \$2,522.09 drawn on the account of "Collier, Jacob & Mills";

j. On or about October 29, 2004, the defendant, using identification in the name "Ronald Hart", went to a Wachovia Bank branch and cashed a counterfeit check in the amount of \$2,541.61 drawn on the account of the "National Constitution Center";

k. On or about February 4, 2005, the defendant, using identification in the name "Lamont Bishop", went to a Wachovia Bank branch and cashed a counterfeit check in the amount of \$3116 drawn on the account of "Shulman, Rogers, Gandal, Pordy & Ecker, PA";

l. On or about February 7, 2005, the defendant, using identification in the name "Henry Wallace", went to a Wachovia Bank branch and cashed a counterfeit check in the amount of \$3112 drawn on the account of "Shulman, Rogers, Gandal, Pordy & Ecker, PA";

m. On or about May 27, 2005, the defendant, using identification in the name "Gary J. Cop, Sr.", went to a Wachovia Bank branch and cashed a counterfeit check in the amount of \$3536.13 drawn on the account of "Robert Cawley, LLC";

n. On or about June 14, 2005, the defendant, using identification in the name "James W. Johnson", went to a Wachovia Bank branch and cashed a counterfeit check in the amount of \$4526 drawn on the account of "The Fountainhead Title Group";

o. On or about June 14, 2005, the defendant, using identification in the name "Andrew Russell", went to a Citizens Bank branch and cashed a counterfeit check in the amount of \$3815 drawn on the account of "The Fountainhead Title Group";

p. On or about June 15, 2005, the defendant, using identification in the name "James W. Johnson", went to a Wachovia Bank branch and cashed a counterfeit check in the amount of \$4526 drawn on the account of "The Fountainhead Title Group"; and

q. On or about June 27, 2005, the defendant, using identification in the name "Alton Cunningham, Sr.", went to a Wilmington Trust Company branch and cashed a counterfeit check in the amount of \$1852 drawn on the account of "The Dental Group";

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

6. From on or about July 16, 2004, through on or about June 27, 2005, in the District of Delaware, Jimmie L. Lark, defendant herein, did knowingly execute and attempt to execute a scheme and artifice to defraud Wachovia Bank, Wilmington Trust Company, WSFS Bank, and Citizens Bank, federally insured financial institutions, in that the defendant, Jimmie L. Lark, was engaged in a scheme and artifice to defraud as described in paragraphs 1 through 5(q) above, incorporated herein by reference, and, in execution of the scheme the defendant negotiated counterfeit checks as described in paragraphs 5(a) through 5(q) above, incorporated herein by reference, all in violation of Title 18, United States Code, Section 1344.

A TRUE BILL:

Foreperson

BY: 
COLM F. CONNOLY
United States Attorney
Beth Moskow-Schnoll
Assistant United States Attorney

Dated: October 25, 2005